



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

MINUTES OF THE STANDING COMMITTEE ON INSURANCE

Thursday, April 23, 2015 8:30 a.m. Room 519 House Office Building, Lansing

Representative Leonard, Chair, called the meeting to order.

MEMBERS PRESENT: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg

Representative Franz made a motion to adopt the minutes of the meeting held on April 22, 2015. No objections being offered, the minutes were accepted as presented.

The Chair laid the following bills before the Committee:

- | | |
|-------------------|--|
| SB 248 (Hune) | Insurance; no-fault; coverage and benefits; make miscellaneous changes and create an insurance fraud prevention authority. |
| SB 249 (Hune) | Insurance; no-fault; cross-reference to no-fault act in the support and parenting time enforcement act; amend to reflect amendments to the no-fault act. |

The following individuals spoke to the Committee regarding SB 248 and SB 249:

Representative Ed McBroom

John Prosser II, representing Health Partners Homecare, in opposition

Wendy Block, representing the Michigan Chamber of Commerce, in support

Craig Trombley of Ann Arbor, Michigan, in opposition

Chris Filiatraut, and Jake Yeater, representing the Miller Morse Law Firm, in opposition

Chair Leonard stated that the Committee would stand at ease, the time being 9:40 a.m.

The Chair reconvened the meeting at 9:52 a.m.

Representative Barrett made a motion to adopt SB 248 (H-2).

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Nays: Representatives Cochran, Banks, Kosowski, D. Miller, Wittenberg. (5/17)

Pass: None. (0/17) (11/5/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Cochran made a motion to reconsider the vote by which SB 248 (H-2) was adopted.

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (17/17)

Nays: None. (0/17)

Pass: None. (0/17) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative LaFontaine made a motion to adopt SB 248 (H-2).

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Nays: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Pass: None. (0/17) (11/6/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Clemente made a motion to amend SB 248 (H-2) as follows.

1. Amend page 39, following line 18, by inserting:

“(42) IF AN INCORPORATED ASSOCIATION IS UNABLE TO FULLY FUND THE PAYMENT OF BENEFITS AND THE EXPENSES OF THE INCORPORATED ASSOCIATION AS REQUIRED UNDER THIS SECTION FROM THE ASSESSMENT UNDER SUBSECTION (31), THE UNINCORPORATED ASSOCIATION SHALL PAY TO THE INCORPORATED ASSOCIATION AN AMOUNT EQUAL TO THE AMOUNT OF THE DEFICIT AS DETERMINED BY THE BOARD OF THE INCORPORATED ASSOCIATION.” and renumbering the remaining subsection.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Wittenberg made a motion to amend SB 248 (H-2) as follows:

1. Amend page 43, line 5, after “**3107C.**” by striking out all of subsection (1) and renumbering the remaining subsections.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)
Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Wittenberg made a motion to amend SB 248 (H-2) as follows

1. Amend page 4, following line 2, by inserting:
 2. "Sec. 134. (1) Every certificate of authority or license in force immediately prior to January 1, 1957 and existing under any act repealed by this act is valid until its original expiration date, unless earlier terminated in accordance with this act.
(2) Any plan of operation adopted by an association or facility, and any premium or assessment levied against an insurer member of that association or facility, is hereby validated retroactively to the date of its original adoption or levy and shall continue **CONTINUES** in force and effect according to the terms of the plan of operation, premium, or assessment until otherwise changed by the ~~commissioner~~ **DIRECTOR OF THE DEPARTMENT** or the board of directors of the association or facility pursuant to this act.
(3) An association or facility or the board of directors of the association or facility is not a state agency and the money of an association or facility is not state money.
(4) A **EXCEPT AS OTHERWISE PROVIDED IN SECTION 3104**, A record of an association or facility shall be exempted **IS EXEMPT** from disclosure pursuant to section 13 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.243 of the Michigan Compiled Laws **1976 PA 442, MCL 15.243**.
(5) Any premium or assessment levied by an association or facility, or any premium or assessment of a similar association or facility formed under a law in force outside this state, is not a burden or special burden for purposes of a calculation under section 476a, and any premium or assessment paid to an association or facility shall not be included in determining the aggregate amount a foreign insurer pays to the ~~commissioner~~ **DEPARTMENT OF TREASURY** under section 476a.
(6) As used in this section, "association or facility" means an association of insurers created under this act and any other association or facility formed under this act as a nonprofit organization of insurer members, including, but not limited to, the following:
 - (a) The Michigan worker's compensation placement facility created under chapter 23.
 - (b) The Michigan basic property insurance association created under ~~section~~ **CHAPTER**
- 29.
- (c) The catastrophic claims association created under chapter 31.
 - (d) The Michigan automobile insurance placement facility created under chapter 33.
 - (e) The Michigan life and health insurance guaranty association created under chapter 77.
 - (f) The property and casualty guaranty association created under chapter 79.
 - (g) The assigned claims facility created under section 3171."
2. Amend page 39, following line 14, by inserting:
"(41) **THE BUSINESS THAT THE BOARD OF AN ASSOCIATION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.**
(42) **A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR**

RETAINED BY THE BOARD OF AN ASSOCIATION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL15.231 TO 15.246.” and renumbering the remaining subsections.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Runestad, Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (7/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Vaupel, Webber. (10/17)

Pass: None. (0/17) (7/10/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Miller made a motion to amend SB 248 (H-2) as follows.

1. Amend page 44, line 19, after “**REVIEW**” by inserting “**BY AN INJURED PERSON’S TREATING REHABILITATION PHYSICIAN**”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Clemente made a motion to amend SB 248 (H-2) as follows.

1. Amend page 50, line 21, after “**3157.**” by striking out “**(1)**”.
2. Amend page 51, following line 2, by striking out all of subsection **(2)**.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Kosowski made a motion to amend SB 248 (H-2) as follows:

1. Amend page 52, line 14, after “**3178A.**” by striking out “**(1)**”
2. Amend page 52, line 20, by striking out all of subsection **(2)**.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Wittenberg made a motion to amend SB 248 (H-2) as follows.

1. Amend page 67, following line 12, by inserting:
“Enacting section 4. Sections 3107, 3107a, and 3157 of the insurance code of 1956, 1956 PA 218, MCL 500.3107, 500.3107a, and 500.3157, as amended by this amendatory act, and section 3107c of the insurance code of 1956, 1956 PA 218, as added by this amendatory act, only apply to motor vehicle accident policies issued or renewed after the date this amendatory act takes effect.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Runestad, Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (7/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Vaupel, Webber. (10/17)

Pass: None. (0/17) (7/10/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Banks made a motion to amend SB 248 (H-2) as follows:

1. Amend page 4, following line 2, by inserting:
“**SEC. 2027B. (1) IT IS AN UNFAIR METHOD OF COMPETITION AND AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE FOR AN AUTOMOBILE INSURER TO REFUSE TO INSURE, REFUSE TO CONTINUE TO INSURE, LIMIT THE AMOUNT OF COVERAGE AVAILABLE, OR CHARGE A DIFFERENT RATE OF PREMIUM FOR THE SAME COVERAGE BASED ON THE EDUCATION LEVEL OF AN INSURED OR APPLICANT.**
(2) SUBSECTION (1) DOES NOT PROHIBIT A DISCOUNT BASED ON EXPENSE SAVINGS RELATED TO GROUP, BLANKET, OR FRANCHISE AUTOMOBILE INSURANCE.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows:

1. Amend page 53, following line 20, by inserting:
“**SEC. 3184. IF AN ANNUAL PREMIUM CHARGED BY AN INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) EXCEEDS 15% OF THE STATE**

AVERAGE OF PREMIUMS FOR THAT INSURANCE COVERAGE PER ZIP CODE, THE INSURER SHALL REPORT TO THE STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES WITH PRIMARY JURISDICTION OVER INSURANCE MATTERS ON THE REASON THE PREMIUM EXCEEDS THE STATE AVERAGE. THE INSURER'S CHIEF EXECUTIVE OFFICER OR HIS OR HER DESIGNEE SHALL APPEAR BEFORE THE STANDING COMMITTEES TO TESTIFY ABOUT THE REPORT REQUIRED UNDER THIS SECTION.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to reconsider the vote by which the amendment was not adopted.

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (17/17)

Nays: None. (0/17)

Pass: (0/17) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

The amendment was withdrawn.

Representative Banks made a motion to amend SB 248 (H-2) as follows:

1. Amend page 53, following line 20, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 30% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)
Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)
Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows:

1. Amend page 52, following line 20, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 20% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)
Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)
Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows:

1. Amend page 52, following line 20, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 10% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows:

1. Amend page 52, following line 20, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 5% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows:

1. Amend page 52, following line 20, by inserting:

“SEC. 3181. (1) BY DECEMBER 31, 2015, ANY INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) SHALL FILE RATES FOR POLICIES ISSUED OR RENEWED AFTER DECEMBER 31, 2015 THAT RESULT IN A PER-VEHICLE REDUCTION IN THE ANNUAL PREMIUM OF AT LEAST 40% TO REFLECT THE SAVINGS EXPECTED AS A RESULT OF THE CHANGES MADE TO THIS ACT BY THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REDUCTION UNDER THIS SUBSECTION SHALL BE FROM RATES IN EFFECT FOR THE INSURER ON

THE DATE THAT THE AMENDATORY ACT THAT ADDED THIS SECTION IS ENACTED INTO LAW.

(2) AN INSURER DESCRIBED IN SUBSECTION (1) SHALL NOT INCREASE THE RATES FOR COVERAGES PROVIDING PERSONAL PROTECTION INSURANCE BENEFITS BEFORE JANUARY 1, 2016.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Theis made a motion to amend SB 248 (H-2) as follows.

1. Amend page 43, line 19, after “**HOOR,**” by striking out the balance of the line through “**PROVIDED.**” on line 20 and inserting “**UNLESS SUBDIVISION (B) APPLIES.**”.
2. Amend page 43, line 25, after “**APPLIES**” by striking out “**REGARDLESS OF WHETHER**” and inserting “**UNLESS**”.
3. Amend page 43, line 27, after “**UNDER**” by striking out “**ARTICLE 15**” and inserting “**PART 170, 172, 175, 178, 183, OR 187**”.
4. Amend page 44, line 1, after “**MCL**” by striking out “**333.16101 TO 333.18838**” and inserting “**333.17001 TO 333.17084, 333.17201 TO 333.17242, 333.17501 TO 333.17556, 333.17801 TO 333.17827, 333.18301 TO 333.18315, AND 333.18701 TO 18713**”.

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (17/17)

Nays: None. (0/17)

Pass: None. (0/17) (17/0/0)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative Wittenberg made a motion to amend SB 248 (H-2) as follows:

1. Amend page 53, following line 20, by inserting:
“SEC. 3182. AN INSURER ENGAGED IN WRITING INSURANCE COVERAGES THAT PROVIDE THE SECURITY REQUIRED BY SECTION 3101 (1) SHALL NOT IN ANY YEAR EXPEND MORE THAN 20% OF ITS PREMIUM REVNUUE RECEIVED IN THE YEAR FOR THE PAYMENT OF NON-CLAIMS COSTS.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)
Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows.

1. Amend page 6, following line 10, by inserting:

“(D) THE DIRECTOR SHALL CONVENE A PUBLIC HEARING EVERY TWO YEARS TO SPECIFICALLY DETERMINE IF A RATE IS EXCESSIVE OR INADEQUATE, AND THE DIRECTOR SHALL SET FORTH FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT ARE SUBJECT TO JUDICIAL REVIEW IN THE INGHAM COUNTY CIRCUIT COURT. INTERESTED PERSONS SHALL BE ALLOWED TO REQUEST PERMISSION TO PARTICIPATE IN THIS PUBLIC HEARING.”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)
Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)
Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Cochran made a motion to amend SB 248 (H-2) as follows.

1. Amend page 59, line 25, after **“(3)”**, by striking **“WITH THE DISCRETION TO APPROVE OR DISAPPROVE PROGRAMS TO BE SUPPORTED,”**.

2. Amend page 59, line 26, after **“DO”** by striking **“BOTH OF”**.

3. Amend page 60, following line 5, by inserting:

“(C) PROVIDE FINANCIAL SUPPORT TO AN INDEPENDENT ENTITY, FORMED BY THE INSURANCE COMMISSIONER, TO INVESTIGATE THE CLAIMS PRACTICES OF INSURANCE COMPANIES AND TO EVALUATE IF THOSE CLAIMS PRACTICES CREATE UNNECESSARY DISPUTES, TREAT PATIENTS OR MEDICAL PROVIDERS UNFAIRLY, INCREASE LITIGATION, OR CAUSE UNNECESSARY DELAYS THE PAYMENT OF CLAIMS.”.

4. Amend page 60, line 12, after **“OF”** by striking out **“15”** and inserting **“25”**.

5. Amend page 61, line 2, after **“(G)”** by striking out **“ONE MEMBER”** and inserting **“TWO MEMBERS”**.

6. Amend page 61, following line 2, by inserting:

“(H) ONE MEMBER OF THE MEDICAL COMMUNITY WHO CARES PRIMARILY FOR THOSE PATIENTS WITH ACUTE MEDICAL NEEDS, TO BE APPOINTED BY THE GOVERNOR.

(I) THREE MEMBERS OF THE MEDICAL COMMUNITY WHO CARES PRIMARILY FOR THOSE PATIENTS WITH SUB-ACUTE MEDICAL NEEDS, TO BE APPOINTED BY THE GOVERNOR.

(J) TWO LICENSED ATTORNEY KNOWLEDGEABLE ABOUT THE MICHIGAN NO-FAULT LAW, TO BE APPOINTED BY THE MICHIGAN STATE BAR.

(K) THREE MEMBERS REPRESENTING CONSUMER RIGHTS AND PATIENT ADVOCACY GROUPS, TO BE APPOINTED BY THE GOVERNOR.”.

7. Amend page 62, line 3, after “THE” by striking out “MEMBER” and inserting “MEMBERS”.

8. Amend page 62, line 4, after “INSURERS” by inserting “THE MEDICAL COMMUNITY, ATTORNEYS, AND CONSUMER RIGHTS AND PATIENT ADVOCACY GROUPS,”.

9. Amend page 66, line 8, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES OF INSURANCE COMPANIES”.

10. Amend page 66, line 11, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES OF INSURANCE COMPANIES”.

11. Amend page 66, line 12, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES.”

12. Amend page 66, line 18, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES”.

13. Amend page 66, line 19, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES”.

14. Amend page 66, line 22, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES”.

15. Amend page 66, line 25, after “FRAUD” by inserting “AND UNFAIR CLAIMS PRACTICES”.

UNFAVORABLE ROLL CALL:

Yeas: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Nays: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber. (11/17)

Pass: None. (0/17) (6/11/0)

An insufficient number of members voting in the affirmative, the motion did not prevail.

Representative Franz made a motion to report SB 248 (H-3) with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Vaupel. (9/17)

Nays: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Pass: Representatives Runestad, Webber. (2/17) (9/6/2)

A sufficient number of members voting in the affirmative, the motion prevailed.

Representative LaFontaine made a motion to report SB 249 with recommendation.

FAVORABLE ROLL CALL:

Yeas: Representatives Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Vaupel. (9/17)

Nays: Representatives Cochran, Banks, Clemente, Kosowski, D. Miller, Wittenberg. (6/17)

Pass: Representatives Runestad, Webber. (2/17) (9/6/2)

A sufficient number of members voting in the affirmative, the motion prevailed.

Amanda Fisher, representing the NFIB, submitted a card indicating support for SB 248 and SB 249.

Cards for SB 248 and/or SB 249 indicating opposition to the bills were submitted by:

Timothy Hoste, representing Unique Options, LLC
Jacob Best, representing Best Private Duty Health Care
Mark Evans of Troy, Michigan
Sherri McDaniel, representing Rainbow Rehabilitation
Susan Arney of Howell, Michigan
Celine DeMeyer
Dawn Hutchings, representing Michigan Deserves Better PAC
Dan Rogasion, representing the Eisenhower Center
Mirta Van Etten, representing Dignitas
Len Naylor, representing Dignitas
Britney McNamara, representing Dignitas
Keith Schenkel of Novi, Michigan
Deloris Garry of Romulus, Michigan
Lisa Keen of Davisburg, Michigan
Crystal Fournia of West Bloomfield, Michigan
Ed Pittman of Farmington Hills, Michigan
Don Hurst, representing Rainbow Rehabilitation
Terry Whalen of Traverse, Michigan
Erin Hurst of Farmington, Michigan
Kim Langlois of Clinton Township, Michigan
Jenna Schimpf, representing Dobson Healthcare
Rachel Knape of Grand Rapids, Michigan
Jolene Pond of Livonia, Michigan
Leonia Pritchett of Farmington Hills, Michigan
Melanie Murphy of Farmington Hills, Michigan
Linda Kowicki of Farmington Hills, Michigan
Amy Joslyn of DeWitt, Michigan
Shelly Langlois of Clinton Township, Michigan
Todd Lambert of Warren, Michigan
Shannon Lambert of Warren, Michigan
Shawn Langlois of Macomb, Michigan
Lauren Cetnar of Fraser, Michigan
Murial Griffin Branch, representing Rainbow Rehabilitation
Monique Kurkowski of Belleville, Michigan
Matt Wohlfort, representing Quality Care Consulting
Karen Amick, representing Quality Care Consulting
Sandra Passeno, representing Ahmar Transportation
Karen Katko, representing Acclaimed Home Care

Charles Wilson of Northport, Michigan
Ed Scott, representing Rainbow Rehabilitation
Bob Wancha, representing Rainbow Rehabilitation
Kaila Phillips of White Lake, Michigan
Jennifer Griewahn, representing Rainbow Rehabilitation Centers
Derica Scribner, representing Rainbow Rehabilitation and a family member
Cynthia Kepsel, representing Rainbow Rehabilitation
Julie Mooring, representing Rainbow Rehabilitation
Dawn Kettinger representing the Michigan Nurses Association
Sheryl Carpenter, representing Rainbow Rehabilitation
Walter Wesley, representing Rainbow Rehabilitation
Michelle Trojniak, representing Rainbow Rehabilitation
Alyssa Kelley
Christen Fodera of Novi, Michigan
Kristen Cleveland of Detroit, Michigan
Ron Williams, representing Rainbow Rehabilitation
Sharon Morin, representing Strive Rec Therapy
Brooke Blower, representing Rehab Pathways
Tim Mucha, representing Eisenhower Center clients
Chad Fife of Romulus, Michigan
Lisha Clevenger of Livonia, Michigan
Natalie Kottman of Commerce Township, Michigan
Courtney Steele of Highland Township, Michigan
Jeffery Lee Cutler of Rochester Hills, Michigan
Maureen Roberts of Roseville, Michigan
John Prosser III of Rochester, Michigan
Richard Love of Farmington Hills, Michigan
Kendra Finch, representing Dignitas
Peter Primak, representing Advent Home Medical Care
Kelly Whalen, representing Dignitas
Hillary Ssizepaniuk, representing Dignitas
Jose Buriega, representing Dignitas
Kevin Moore, representing Dignitas
Erin Guzak of Farmington Hills, Michigan
Stephanie Guzak of Warren, Michigan
Richard Morris of Farmington Hills, Michigan
Nancy Adams, representing Dignitas
Peggy Allen Bock, representing Special tree
Barry Marshall, representing Rainbow Rehabilitation
Susanna Start, representing Rainbow Rehabilitation
Marguerite Morgan of Rockford, Michigan
Penny Williams
Valerie Green, representing Rainbow Rehabilitating
Mary Mitchell of Livonia, Michigan
Bill Hart of Metamora, Michigan
Kathy Whalen of Traverse, Michigan

Evelyn Waugh, representing Rainbow Rehabilitation
Cheri Richardson, representing Dignitas
Tory Hudson, representing Michigan Community Visiting Nurses

There being no additional business before the Committee, Chair Leonard declared the meeting adjourned, the time being 10:32 a.m.

Representative Tom Leonard, Chair

Catherine Petroskey, Committee Clerk (517) 373-8538